

ORDINANCE NO. 2005-\_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE IX, SECTION 2-400, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO LOCAL PREFERENCE IN PURCHASING AND CONTRACTING; AMENDING COUNTIES INCLUDED FOR LOCAL PREFERENCE IN BIDDING AND REQUESTS FOR PROPOSALS; AMENDING THE DEFINITION OF "LOCAL BUSINESS"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on March 26, 2002, the Board of County Commissioners of Leon County adopted Ordinance 2002-02, therein creating a new Section 2-400, Leon County Code of Laws, to provide for a local preference in purchasing and contracting; and

WHEREAS, on October 14, 2003, the Board of County Commissioners of Leon County adopted Ordinance 2003-32, amending Section 2-400, Leon County Code of Laws to modify the definition of "Local Business," and amend the local preference percentage; and

WHEREAS, the Board of County Commissioners desires to amend Section 2-400, Leon County Code of Laws, by amending the counties in which a business' home office may be located in order for that business to receive preference in bidding and requests for proposals from Leon County, and by amending the definition of "Local Business";

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

**Section 1.** Chapter 2, Article IX, Section 2-400, of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

## ARTICLE IX. PURCHASING

### Sec. 2-400. Local preference in purchasing and contracting.

(a) *Preference in bidding.* In purchasing of, or letting of contracts for procurement of, personal property, materials, contractual services, and construction of improvements to real property or existing structures in which pricing is the major consideration, the authorized purchasing authority of Leon County may give a preference to local businesses in making such purchase or awarding such contract, as follows:

- (1) Individuals or firms which have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a local business as set forth in this article, shall be given a preference in the amount of five percent of the bid price.
- (2) Individuals or firms which do not have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a local business as set forth in this article, shall be given a preference in the amount of three percent of the bid price.

The maximum cost differential shall not exceed \$20,000.00. Total bid price shall include the base bid and all alternatives or options to the base bids which are part of the bid and being recommended for award by the appropriate authority.

(b) *Preference in requests for proposals.* In purchasing of, or letting of contracts for procurement of, personal property, materials, contractual services, and construction of improvements

to real property or existing structures for which a request for proposals is developed with evaluation criteria, a local preference of the total score may be assigned for a local preference, as follows:

- (1) Individuals or firms which have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a local business as set forth in this article, shall be given a preference in the amount of five percent.
- (2) Individuals or firms which do not have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a local business as set forth in this article, shall be given a preference in the amount of three percent.

Based upon analysis of the marketplace for each project, staff shall make a recommendation for or against inclusion of a local preference in the criteria for consideration by the Board as a part of the pre-approval agenda item for each request for proposal.

(c) *Notice.* Both bid documents and request for proposal documents shall include notice to vendors of the local preference policy.

(d) *Local business definition.* For purposes of this section, "local business" shall mean a business which:

- (1) Has had a fixed office or distribution point located in and having a street address within Leon, Gadsden, Wakulla, or Jefferson County for at least six months immediately prior to the issuance of the request for competitive bids or request for proposals by the County; and

- (2) Holds any business license required by the Leon County, and, if applicable, the City of Tallahassee; and
- (3) Is the principal offeror who is a single offeror; a business which is the prime contractor and not a subcontractor; or a partner or joint venturer submitting an offer in conjunction with other businesses.

(e) *Certification.* Any vendor claiming to be a local business as defined by subsection 2-400(d) above, shall so certify in writing to the purchasing division. The certification shall provide all necessary information to meet the requirements of subsection 2-400(d) above. The purchasing agent shall not be required to verify the accuracy of any such certifications, and shall have the sole discretion to determine if a vendor meets the definition of a "local business."

**Section 2.**     **Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

**Section 3.**     **Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4.**     **Effective Date.** This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,  
Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

LEON COUNTY, FLORIDA

BY: \_\_\_\_\_  
CLIFF THAELL, VICE CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:  
BOB INZER, CLERK OF THE COURT

BY: \_\_\_\_\_  
CLERK

APPROVED AS TO FORM:  
COUNTY ATTORNEY'S OFFICE  
LEON COUNTY, FLORIDA

BY: \_\_\_\_\_  
HERBERT W.A. THIELE, ESQ.  
COUNTY ATTORNEY